

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ABUNDANT LIFE CHURCH

Plaintiff,

v.

**PHILADELPHIA INDEMNITY
INSURANCE COMPANY**

Defendant.

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Civil Action No. _____

NOTICE OF REMOVAL

Defendant Philadelphia Indemnity Insurance Company files this Notice of Removal and, in support, respectfully shows the following:

I. THE COURT HAS DIVERSITY JURISDICTION

1. Plaintiffs filed this lawsuit on February 10, 2020, in Collin County, Texas, against Defendant Philadelphia Indemnity Insurance Company, styled as *Abundant Life Church v. The Philadelphia Indemnity Insurance Company*, Cause No. 296-00746-2021, in the 296th Judicial District Court, Collin County, Texas. The lawsuit involves an insurance claim Plaintiff submitted to Philadelphia. Philadelphia now removes this action on the basis of diversity jurisdiction because the Parties are diverse, and the amount in controversy exceeds \$75,000.

A. The Plaintiffs and Philadelphia are Diverse

2. Removal is proper under 28 U.S.C. §1446(a)(1) because there is complete diversity of citizenship between Plaintiff and Philadelphia, the sole Defendant. For purposes of diversity of citizenship, Plaintiff Abundant Life Church avers it is an individual. *See* Ex. 1, ¶2. Based upon information and belief, Plaintiff is a citizen of the State of Texas because it is a nonprofit corporation with its principal place of business at 2301 Premier Drive, Plano, Texas 75075. *See*

Hertz Corp. v. Friend, 559 U.S. 77, 80 (2010) (holding corporations are a citizen of the state in which they are incorporated and in the state in which their principal place of business is located). Philadelphia is a citizen of Pennsylvania, being an insurance company formed under Pennsylvania law with its principal place of business at One Bala Plaza, Suite 100, Bala Cynwyd, Pennsylvania 19004. *See Hertz Corp.*, 559 U.S. at 80. Based on the foregoing, Plaintiff and Philadelphia are completely diverse within the meaning of §1332(a).

B. The Amount in Controversy Exceeds \$75,000

3. Plaintiffs seek monetary relief greater of more than \$250,000.00. *See* Ex. 1, ¶1. Therefore, the amount in controversy exceeds the \$75,000 threshold required to invoke diversity jurisdiction. 28 U.S.C. §1332(a); *see St. Paul Reins. Co., Ltd. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998) (noting the district court examines the complaint to determine whether it is facially apparent that the claim exceeds the jurisdictional minimum); *see also KVOS, Inc. v. Associated Press*, 299 U.S. 269, 277 (1936) (holding allegation in pleading is sufficient to establish amount in controversy).

II. VENUE IS PROPER

4. Venue is proper in this District and Division under 28 U.S.C. §§124(c)(3), 1441(a), and 1446(a) in that the Eastern District of Texas, Sherman Division encompasses Plano, Texas, and is “the district and division embracing the place where such action is pending.”

III. REMOVAL IS TIMELY

5. This matter was filed on February 10, 2021. Philadelphia’s Agent for Service of Process accepted service by certified mail on April 6, 2021. Therefore, this Notice of Removal is timely pursuant to 28 U.S.C. §1446(b)(1) because it is filed within 30 days after Philadelphia was served with Plaintiffs’ Original Petition.

IV. THE REMOVAL IS PROCEDURALLY CORRECT

6. Pursuant to 28 U.S.C. §1446(a), copies of process and Plaintiffs' Original Petition are attached hereto as Exhibit 1. No orders have been served on Philadelphia. Pursuant to 28 U.S.C. §1446(d), promptly after Philadelphia files this Notice of Removal, written notice of the filing will be served on Plaintiffs, and a true copy of this Notice of Removal will be filed with the Clerk of the Collin County District Court, the state court from which this action was removed.

V. PRAYER

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a), and the matter was removed in accordance with section 28 U.S.C. §1446. Accordingly, Philadelphia respectfully prays that the United States District Court for the Eastern District of Texas, Sherman Division, file the Notice of Removal, assume jurisdiction of this lawsuit, and issue all such further orders and processes as may be necessary.

Respectfully submitted,

/s/ Stephen A. Melendi

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ATTORNEYS FOR DEFENDANT

**PHILADELPHIA INDEMNITY INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will electronically send notification to all counsel of record.

/s/ Stephen A. Melendi
Stephen A. Melendi